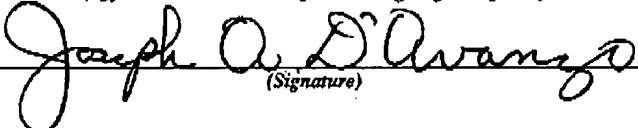


<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. APP 1256
Applicant(s): John R. Wullert II			
Serial No. 09/769,417	Filing Date 01/24/2001	Examiner BUI, BING Q	Group Art Unit 2642
Invention: Method and Apparatus for Creating a Presence Monitoring Contact List with Dynamic Membership			
<b>RECEIVED</b> CENTRAL FAX CENTER SEP 20 2004			
<p>I hereby certify that this <u>Reply to Office Action of 06/10/2004</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703)872-9306</u>)</p> <p>on <u>09/20/2004</u> (Date)</p> <p style="text-align: right;"><u>Joseph A. D'Avanzo</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **\$110.00****Complete if Known**

Application Number	09/769,417
Filing Date	01/24/2001
First Named Inventor	John R. Wallert II
Examiner Name	BUI, BING Q
Art Unit	2642
Attorney Docket No.	APP 1256

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND**

Extra Claims	Fee from below	Fee Paid
Total Claims <input type="text"/> -20** = <input type="text"/> 0 X <input type="text"/> = <input type="text"/> 0.00		
Independent Claims <input type="text"/> -3** = <input type="text"/> 0 X <input type="text"/> = <input type="text"/> 0.00		
Multiple Dependent <input type="text"/>		

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** **(\$)** **\$0.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non - English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	110.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Statement	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$)** **\$110.00****SUBMITTED BY**

Name (Print/Type)	James W. Park
Signature	

Registration No.  
(Attorney/Agent)

16154

**Complete (if applicable)**

Telephone

(732) 699-4465

Date

09/20/2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20590.

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
APP 1256

In Re Application Of: John R. Wullert II

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SEP 20 2004

Serial No.  
09/769,417

Filing Date  
01/24/2001

Examiner  
BUI, BING Q

Group Art Unit  
2642

Invention: Method and Apparatus for Creating a Presence Monitoring Contact List with Dynamic Membership

TO THE COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 06/10/2004 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months
from: 09/10/2004

Date

until:

10/10/2004

Date

The fee for the amendment and extension of time has been calculated as shown below:

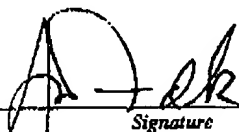
**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	11 -	20 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$86.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$110.00
<b>TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME</b>					<b>\$110.00</b>

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**Docket No.  
APP 1256**RECEIVED**  
**CENTRAL FAX CENTER**  
**SEP 20 2004**

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \_\_\_\_\_ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. **021822** in the amount of **\$110.00**
- ☐ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No.
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.

  
Signature

Dated:

Sept 20, 2004James W. Falk (Reg. No. 16,154)  
Telcordia Technologies, Inc.  
One Telcordia Drive 5G116  
Piscataway, NJ 08854-4157I certify that this document and fee is being deposited  
on \_\_\_\_\_ with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

Appl. No. 09/768,417  
Response Dated 09/20/2004  
Reply to Office Action of 06/10/2004

APP 1256

**RECEIVED**  
**CENTRAL FAX CENTER**  
**SEP 20 2004**

Appl. No. : 09/768,417  
Applicant : John R. Wullert II  
Filed : 01/24/2001  
Title : Method and Apparatus for Creating a Presence  
Monitoring Contact List with Dynamic Membership  
TC/A.U. : 2642  
Examiner : BUI, BING Q  
  
Docket No. : APP 1256

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### RESPONSE

Sir:

This is in response to the non-final Office Action dated June 10, 2004, in the above identified application. For the reasons set forth below applicant requests the withdrawal of this Office Action and allowance of the application.

Applicant appreciates the courtesy shown to applicant's attorney in the telephone interview of September 20, 2004, and this Response has been prepared in the light of that interview.

A Final Rejection was issued by the Examiner in this application Sept. 24, 2003. In response thereto applicant filed a Notice of Appeal, dated December 24, 2003, and was received in the PTO mailroom December 29, 2003. Following that an Appeal Brief, in triplicate, was submitted March 24, 2004, and received in the PTO mailroom March 26, 2004.

Appl. No. 09/768,417  
Response Dated 09/20/2004  
Reply to Office Action of 06/10/2004

APP 1256

Applicant has, accordingly, been awaiting the Examiner's Answer to applicant's Brief. Alternatively, the Examiner could withdraw the Final Rejection and either allow the application or issue a new basis for rejection. In fact, the Examiner has done none of these options.

What the Examiner has done is to issue an Office Action, without withdrawing the Final Rejection or removing the application of its status as being on Appeal. Further, the Office Action issued is, verbatim in large part, a repeat of the Final Rejection from which the appeal has been taken. Applicant strongly disagrees with the Examiner's conclusion that claims 1-11 are unpatentable, 35 USC 103(a) in view of Bajzath et al patent 6,114,644 either alone or in view of Bateman et al patent 6,311,231, for the reasons set forth in applicant's Appeal Brief, which brief applicant urges the Examiner to review in lieu of its being repeated in this response.

Accordingly, applicant strenuously objects to the issuance of this non-final rejection and requests that the Examiner either file an Examiner's Answer in the pending Appeal or allow the application.

A petition for a one month extension of time is attached.

Respectfully submitted,

John R. Wullert, II

By: 

James W. Falk  
Attorney for Applicant  
Reg. No. 16,154  
(732) 699-4465